

## 1 HOUSE BILL NO. 258

2 INTRODUCED BY R. MAEDJE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO SMOKING; PROVIDING FOR THE  
5 REIMBURSEMENT OF COSTS FOR THE SUCCESSFUL COMPLETION BY AN ADULT OF A TOBACCO  
6 CESSATION PROGRAM; PROHIBITING A LOCAL GOVERNMENT WITH SELF-GOVERNMENT POWERS  
7 FROM ADOPTING REQUIREMENTS MORE RESTRICTIVE THAN STATE LAW ON SMOKING IN ENCLOSED  
8 PUBLIC PLACES; ALLOWING A CITY, COUNTY, OR CONSOLIDATED CITY-COUNTY TO REQUIRE A  
9 SMOKE VENTILATION SYSTEM IN AN ESTABLISHMENT THAT HAS DESIGNATED BOTH SMOKING AND  
10 NONSMOKING AREAS WITHIN THE ESTABLISHMENT; REQUIRING THE PROVISION OF INFORMATION  
11 ON SMOKING CESSATION PROGRAMS TO CUSTOMERS AND EMPLOYEES OF CERTAIN  
12 ESTABLISHMENTS; AND AMENDING SECTIONS 7-1-114 AND 50-40-104, MCA."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 NEW SECTION. **Section 1. Tobacco cessation reimbursement program -- definition.** (1) Subject  
17 to a line item appropriation, the department shall establish a tobacco cessation reimbursement program to assist  
18 adults who want to stop using tobacco products.

19 (2) As used in [sections 1 and 2], the term "tobacco product" or "tobacco" means a substance intended  
20 for human consumption that contains tobacco, including cigarettes, cigars, snuff, smoking tobacco, and  
21 smokeless tobacco.

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23 NEW SECTION. **Section 2. Eligibility -- reimbursement.** (1) An adult who successfully completes  
24 a tobacco cessation program is eligible for reimbursement by the department for the cost of the program. The  
25 reimbursement must be made as follows:

- 26 (a) one-half of the cost upon presentation of evidence of enrollment in the program; and  
27 (b) one-half of the cost upon presentation of evidence of successful completion of the program.

28 (2) A request for reimbursement must be made to a local board of health.

29 (3) A person who is reimbursed in accordance with the provisions of subsection (1) is not eligible for  
30 reimbursement for the successful completion of another tobacco cessation program for at least 12 months from

1 the date of the final reimbursement under subsection (1)(b).

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3 **Section 3.** Section 7-1-114, MCA, is amended to read:

4 **"7-1-114. Mandatory provisions.** (1) A local government with self-government powers is subject to  
5 the following provisions:

6 (a) all state laws providing for the incorporation or disincorporation of cities and towns, for the  
7 annexation, disannexation, or exclusion of territory from a city or town, for the creation, abandonment, or  
8 boundary alteration of counties, and for city-county consolidation;

9 (b) Title 7, chapter 3, part 1;

10 (c) all laws establishing legislative procedures or requirements for units of local government;

11 (d) all laws regulating the election of local officials;

12 (e) all laws that require or regulate planning or zoning;

13 (f) any law directing or requiring a local government or any officer or employee of a local government  
14 to carry out any function or provide any service;

15 (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing  
16 procedures and powers of local governments;

17 (h) Title 70, chapters 30 and 31;

18 (i) Title 50, chapter 40, part 1.

19 (2) These provisions are a prohibition on the self-government unit acting other than as provided.

20 (3) (a) Notwithstanding the provisions of subsection (1)(g) and except as provided in subsection (3)(b),  
21 self-governing local government units are not subject to the mill levy limits established by state law.

22 (b) The provisions of 15-10-420 apply to self-governing local government units."  
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24 **Section 4.** Section 50-40-104, MCA, is amended to read:

25 **"50-40-104. Designation or reservation of smoking or nonsmoking areas -- notice -- smoke**  
26 **ventilation system -- smoking cessation information.** (1) The proprietor or manager of an enclosed public  
27 place shall:

28 (a) designate nonsmoking areas with easily readable signs;

29 (b) reserve a part of the public place for nonsmokers and post easily readable signs designating a  
30 smoking area;

1 (c) designate the entire area as a smoking area by posting a sign that is clearly visible to the public  
2 stating this designation; or

3 (d) designate and reserve the entire area as a nonsmoking area.

4 (2) The proprietor or manager of an establishment containing enclosed public places shall post a sign  
5 in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read  
6 and understood, whether or not areas within the establishment have been reserved for nonsmokers.

7 (3) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which  
8 some patrons choose to eat their meals in the tavern, is not required by this part to post a sign described in  
9 subsection (2) in the tavern area of the establishment.

10 (4) The proprietor or manager of an intrastate bus that is not chartered shall prohibit smoking in all parts  
11 of the bus.

12 (5) A local government, as defined in 7-12-1103, may require the installation of a smoke ventilation  
13 system by the proprietor or manager of an establishment containing enclosed public places if the proprietor or  
14 manager has designated both smoking and nonsmoking areas within the establishment. The requirements  
15 imposed by the local government must be limited to substantially preventing smoke from entering a designated  
16 nonsmoking area from a designated smoking area. The requirements may not be so excessive as to intentionally  
17 prohibit smoking in the designated smoking section of the establishment.

18 (6) Subject to a line item appropriation, the department shall provide information on smoking cessation  
19 programs to local boards of health. The local board of health shall distribute the information to the proprietor or  
20 manager of an establishment containing enclosed public places where smoking is allowed in all or part of the  
21 establishment. The proprietor or manager shall make the information available to customers and employees in  
22 a plainly visible location within the establishment."

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24 NEW SECTION. Section 5. Codification instruction. [Sections 1 and 2] are intended to be codified  
25 as an integral part of Title 53, chapter 24, and the provisions of Title 53, chapter 24, apply to [sections 1 and 2].

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